

What is the nature and extent of claimant's injury and/or disability? Additional issues dealing with whether claimant suffered personal injury by accident arising out of and in the course of his employment, and whether claimant is entitled to future and

unauthorized medical were not argued to the Appeals Board, and the Administrative Law Judge's decision on those issues is affirmed by the Appeals Board.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Having reviewed the whole evidentiary record filed herein, the Appeals Board makes the following findings of fact and conclusions of law:

The Appeals Board finds that the Award of the Administrative Law Judge sets out findings of fact and conclusions of law in some detail and it is not necessary to repeat those herein. The findings and conclusions enumerated in the Award of the Administrative Law Judge are accurate and appropriate and the Appeals Board adopts same as its own findings and conclusions as if specifically set forth herein.

The Appeals Board finds it significant that of the four doctors who examined claimant, only Dr. Lawrence Blaty found claimant to have any permanency from this injury. Dr. Robert A. Rawcliffe, Dr. Jacob Amrani, and Dr. Duane Murphy all felt claimant had suffered only temporary aggravations of his preexisting conditions as a result of the November 28, 1995, injury. Claimant's preexisting injury history includes a fall in 1984 from which he received a 15 percent whole body impairment and an injury when he was struck by a police car in 1988 after which he missed nearly three years of work. The Appeals Board finds these to be significant injuries that left claimant with certain residual functional impairments. The Administrative Law Judge's decision that claimant had suffered only temporary injuries on November 28, 1995, is supported by the evidence and that finding is adopted by the Appeals Board as its own. In addition, the Administrative Law Judge found claimant not entitled to an award of future medical treatment. This issue was not contested and is affirmed by the Appeals Board.

However, the stipulations contained in the award note temporary total disability compensation had been paid for 14 weeks at \$326 per week totalling \$4,564. In addition, medical treatment had been provided in the amount of \$3,135.65. As it was found claimant did suffer personal injury by accident arising out of and in the course of his employment, claimant would be entitled to an award for the temporary total disability compensation paid and the medical treatment provided.

AWARD

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Award of Administrative Law Judge John D. Clark dated July 14, 1997, should be, and is hereby modified to award temporary total disability and medical treatment, but is otherwise affirmed. An award is granted in favor of claimant, Douglas S. Little, Jr., and against Wichita Southeast Kansas Transit and Liberty Mutual Insurance Company for an injury occurring on November 28, 1995.

Claimant is entitled to 14 weeks temporary total disability compensation at the rate of \$326 per week totalling \$4,564 but is denied any permanent disability as a result of the injury on November 28, 1995.

The fees necessary to defray the expense of the administration of the workers compensation act are hereby assessed against the respondent and its insurance carrier to be paid as follows:

Deposition Services	
Transcript of regular hearing	\$202.00
Ireland Court Reporting, Inc.	
Deposition of Lawrence R. Blaty, M.D.	\$197.90
Deposition of Jerry D. Hardin	\$177.50
Owens, Brake, Cowan & Associates	
Deposition of Robert A. Rawcliffe, M.D.	\$132.05
Deposition of Duane Murphy, M.D.	\$ 67.60
Deposition of Jacob Amrani, M.D.	\$ 87.85

IT IS SO ORDERED.

Dated this ____ day of May 1998.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: Dennis L. Phelps, Wichita, KS
Douglas D. Johnson, Wichita, KS
John D. Clark, Administrative Law Judge
Philip S. Harness, Director